IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 2519 of 2004

STATE OF RAJ.
V/S
LR;S OF DESHRAJ & ANR

Mr. LR UPADHYAY, DY.G.A., for the appellant / petitioner

Date of Order : 21.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned Service Appellate Tribunal has set aside the orders Annex.5 and 6 (annexed with appeal), whereby second and third selection scales granted to the employee, were withdrawn on the ground that after grant of those selection scales, employee had forgone the first promotion.

I find from documents, annexed with the appeal, and filed with the present writ petition as part of Annex.1, that employee was granted only adhoc promotion for a period of three months, that also without consideration by the DPC, and that also was in the year 1997. The selection scales have been withdrawn in view of the order of State Government dated 4.12.1996, while a look at the order dt. 4.12.1996, would show that, that cannot be applied to the case in hand, inasmuch as, the spirit of the order is, that there was tendency of forgoing the promotion for various personal considerations of the respective employees, on which count difficulties were being experienced by various authorities in filling up the promotional posts from the competent and qualified persons, and consequently the performance in governmental work

was being adversely effected. This obviously means, that promotion must be a regular promotion, to attract the **wrath** of order dated 4.12.1996.

In the present case, it is not in dispute that promotion offered, was only an adhoc promotion for a limited period of 3 months, that also without selection by DPC. In these circumstances, the learned Service Appellate Tribunal has rightly found the action of State Government, to be bad.

Yet another aspect of the matter is that the order impugned is as old as of 11.3.1999 and writ petition has been filed in the year 2001, with no justification for the delay, except taking the casual plea that some delay in filing the writ petition has occurred, in taking decision for submitting before Court, and legal opinion regarding the case. Reference is also made to SBCW Pet. No.3609/2000 (State Vs. Thakar Singh), but I find that, that writ petition has also not been admitted. Thus I do not find any force in the present writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/